

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KEVIN NEAL GLASPIE,
ID # 192081,
Plaintiff,**

VS.

**CINDY ERMATINGER, et al.,
Defendants.**

No. 3:22-CV-2743-C (BH)

ORDER OF THE COURT ON RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 9) is **DENIED** pursuant to Fed. R. App. 24(a)(3) and 28 U.S.C. § 1915(g) because the plaintiff is barred by the “three-strikes” rule of § 1915(g), and has not timely paid the filing fee. In support of this finding, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on December 12, 2022 (doc. 5).
- (X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SO ORDERED.
Dated February 27, 2023.

SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE